

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
COURT FILE NO.: 07-4876 MJD/RLE**

Matt Just,

Plaintiff,

v.

Diversified Credit, Inc. a/k/a Diversified
Consultants, Inc.,

Defendant.

RULE 26(f) REPORT

The counsel identified below participated in the meeting required by Fed.R.Civ.P. 26(f), on March 24, 2008, and prepared the following report.

The pretrial conference has been scheduled for April 1, 2008 at 1:30 p.m. **The parties do request that the pretrial be held by telephone.**

(a) Description of Case:

(1) Concise Factual Summary of Plaintiff's Claim:

Plaintiff brings claims under the Fair Debt Collection Practices Act, alleging in part that Defendant engaged in numerous violations of the FDCPA.

(2) Concise Factual Summary of Defendants' claims/defenses:

Defendant Diversified Credit, Inc. a/k/a Diversified Consultants, Inc. ("Defendant"): Defendant denies that it violated the Fair Debt Collection Practices Act. Defendant asserts the affirmative defense of bona fide error in addition to the other defenses set forth in its Answer.

(3) Statement of Jurisdiction (including statutory citations):

Jurisdiction of this Court arises under 28 U.S.C. § 1331 and pursuant to 15 U.S.C. § 1692k(d).

(4) Summary of Factual Stipulations or Agreements:

None

(5) Statement of whether a jury trial has been timely demanded by any party:

Plaintiff has demanded a jury trial in this matter.

(b) Pleadings:

(1) Statement of whether all process has been served, all pleadings filed and any plan for any party to amend pleadings or add additional parties to the action:

Plaintiff's Complaint and Defendant's Answer have been filed with the Court.

(2) Proposed date by which all hearings on motions to amend and/or add parties to the action shall be filed:

June 1, 2008

(3) Date by which the initial Rule 26(a)(1) disclosures will be completed:

April 1, 2008

(c) Discovery Limitations:

(1) The parties agree and recommend that the Court limit the use and numbers of discovery procedures as follows:

(A) 30 interrogatories per party;

- (B) 25 document requests;
- (C) 8 factual depositions;
- (D) 35 requests for admission per party;
- (E) 0 Rule 35 medical examinations per party; and
- (F) 0 other.

(d) **Discovery Schedule/Deadline:**

(1) The parties recommend that the Court establish the following discovery deadlines:

- (A) **October 1, 2008**, deadline for completion of discovery, including service and response to interrogatories, documents requests, requests for admission and scheduling of factual depositions.
- (B) **October 1, 2008**, deadline for completing any independent medical examinations.

(e) **Experts:**

The parties anticipate that they will require expert witnesses at time of trial.

(1) Plaintiff anticipates calling **1** expert in the field of: **Damages**.

(2) Defendant anticipates calling **1** expert in the field of: **Damages**.

(3) The parties pursuant to Local Rule 26.3(a), recommend the disclosure and discovery option as follows:

(4) The parties recommend that the Court establish the following deadlines for disclosure of experts and experts' opinions consistent with Rule 26(a)(2) as modified by Local Rule 26.3:

- (A) Deadlines for all parties' identification of expert witnesses (initial and rebuttal). (Fed.R.Civ.P. 26(a)(2)(A).)

Plaintiff – August 1, 2008

Defendant – September 1, 2008

- (B) Deadlines for completion of disclosure of the substance of expert witness opinions.

Plaintiff – September 15, 2008

Defendant – October 15, 2008

(C) Deadlines for completion of expert witness depositions, if any.

November 1, 2008

(f) Motion Schedule:

(1) The parties recommend that motions be filed and served on or before the following date:

(A) **December 15, 2008**, non-dispositive motions;

(B) **February 1, 2009**, dispositive motions.

(g) Trial-Ready Date:

(1) The parties agree that the case will be ready for trial on or after **April 2009**, or no later than thirty (30) days after the Court rules on any dispositive motions.

(2) A final pretrial conference should be held on or before **January 2009**.

(h) Insurance Carriers/Indemnitors:

List all insurance carriers/indemnitors, including limits of coverage of each defendant or statement that the defendant is self-insured.

Defendant: Defendant has not tendered the defense of this matter to any insurance carrier.

(1) Settlement:

(A) The parties will discuss settlement before **April 1, 2008**, the date of the initial pretrial conference, by the Plaintiff making a written demand for settlement and Defendant making a written response/offer to the Plaintiff's demand.

(B) The parties believe that a settlement conference is appropriate and should be scheduled by the Court before **June 2008**.

- (C) The parties have discussed whether alternative dispute resolution (ADR) will be helpful to the resolution of this case and recommend the following to the Court:

The parties request a settlement conference before the Magistrate Judge.

(i) Trial by Magistrate Judge:

- (1) The parties have not agreed to consent to jurisdiction by the Magistrate Judge pursuant to Title 28, United States Code, Section 636(c). (If the parties agree, the consent should be filed with the Rule 26(f) Report).

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Dated: 3/25/08

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